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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,988	12/11/2000	David Resnick	29279/3:3	6113

3528            7590            04/11/2002

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EXAMINER

PWU, JEFFREY C

ART UNIT            PAPER NUMBER

2164

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/734,988	Applicant(s) RESNICK ET AL.	
	Examiner Jeffrey Pwu	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 14 January 2002.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 35-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 35-65 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

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**DETAILED ACTION**

1. This action is responsive to amendment, filed 2001-14-01.
2. The rejection of claims 34-40 over *Sloan and Sloan* in view of *Klapka* is hereby withdrawn in view of applicants' argument. Any inconvenience is regretted.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-65 are rejected under 35 U.S.C. 102(b) as being anticipated by *Lorsch* (5,903,633)

*Lorsch* et al. teaches a system for effecting electronic payments for goods or services substantially claimed including:

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⇒ a terminal located at a point-of-sale (20) where monetary consideration is received from or on behalf of an end-user to pre-pay for selected goods or services;

⇒ the terminal operable to exchange electronic messages with a financial network (10);

⇒ a financial network operable to exchange electronic messages with the POS merchants (260) and further including a database associating a plurality of intermediary account number with corresponding end-user account numbers (210);

⇒ the payment processor operable to exchange electronic messages with the terminal via the point-of-sale terminal via the financial network and including means for crediting an indicia of monetary value to a corresponding intermediary account (30) stored in a database coupled to the payment processor in response to receiving a payment message from the POS terminal (260), and further including interface means for communicating at least a recharge transaction to a vendor to credit the end-user account associated with the corresponding intermediary account in response to crediting the corresponding intermediary account (270, 280; also see flow chart of fig.2);

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⇒ the POS terminal is an automated teller machine and/or a vending machine (col.7, line 37-col.8, line 65);

⇒ the financial network comprises a card association network (21);and

⇒ an acquiring processor for communicating messages between the financial network and a plurality of terminals (260).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey PWU whose telephone number is (703) 308-7835.

Jeffrey Pwu



Apr 6, 2002

